



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE

United States Patent and Trademark Office

Address: COMMISSIONER FOR PATENTS

P.O. Box 1450

Alexandria, Virginia 22313-1450

www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/500,488	06/28/2004	Clemens Kujawski	112740-962	4524
29177 7590 04/28/2008 BELF., BOYD & LLOYD, LLP P.O. BOX 1135 CHICAGO, IL 60690				
EXAMINER				
TORRES, MARCOS L				
ART UNIT		PAPER NUMBER		
2617				
MAIL DATE		DELIVERY MODE		
04/28/2008		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### ADVISORY ACTION

1. The 112 rejection of claim 8 has been withdrawn.
2. Regarding applicant's definition of the term function, the examiner agrees with the applicant with the definition, however disagrees with the interpretation. For example applicant states that the mere dialing operation is not a function; which is a broad statement which may or not be correct depending on the context, please remember that the word operation is almost a synonym for function and at least a related word. In the instant case, the applicant uses an example that the act of pressing a button is not a function and the function occurs as a result; the examiner agrees that the act of the user pressing a button is not a function; however the device checking if a button is pressed it is. Thereby, every box or the combination of the boxes in fig. 5 is a function, since the device is performing a related task, which is ultimately the definition of function.
3. In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).
4. As to applicant's arguments that Glatzer is not related with help information; as shown in the abstract Glatzer is directed to: show the user the available input to prevent invalid and frustrating user input; showing the user the available input is help information since it is helping the user to enter the correct input, thereby preventing user frustration. It is clear that Glatzer is directly related with help information.

5. It is noted that the applicant argument that the help indication in Glatzer is irrespective of a need for help; the claim recites "generating a help signal during a partial execution", the claim does not limit "a need for help" or how the help signal is generated, it only have to be generated during the execution of a function.

6. In response to applicant's argument that the examiner's conclusion of obviousness is based upon improper hindsight reasoning, it must be recognized that any judgment on obviousness is in a sense necessarily a reconstruction based upon hindsight reasoning. But so long as it takes into account only knowledge which was within the level of ordinary skill at the time the claimed invention was made, and does not include knowledge gleaned only from the applicant's disclosure, such a reconstruction is proper. See *In re McLaughlin*, 443 F.2d 1392, 170 USPQ 209 (CCPA 1971). In the instant case the primary reference is directed to a method to explain and indicate features of a device to a user (see title) and the secondary reference is directed to a method to indicate available input and options of a device to a user. Since both reference are directed to help the user to operate the device it would have been obvious to one of the ordinary skills in the art at the time of the invention to combine the teachings to prevent invalid input and user frustration.

7. The rest of the arguments they fall for the same reasons as shown above.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MARCOS L. TORRES whose telephone number is (571)272-7926. The examiner can normally be reached on 9:30 am - 6:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, George Eng can be reached on 571-252-7495. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/M. L. T./  
Examiner, Art Unit 2617